

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RAUL VILLEGAS GARZA,	§	
	§	
VS.	§	CIVIL ACTION NO.4:06-CV-291-Y
	§	
NATHANIEL QUARTERMAN, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Raul Villegas Garza under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 10, 2007; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 29, 2007; and
4. The respondent's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 7, 2007.

The Court, after de novo review, concludes that the Petitioner's objections must be overruled, that the Respondent's objections must be overruled,¹ and that the magistrate judge's findings and conclusions should be adopted, such that the petition for writ of habeas corpus should be denied.


Therefore, the findings, conclusions, and recommendation of

¹Respondent objects to the magistrate judge's finding that Garza, in his state application for writ of habeas corpus, exhausted his claim of prosecutorial misconduct through inadequate investigation and presentment of false testimony to the grand jury. Although the magistrate judge's report did not note the particular areas of Garza's state application, such claim was raised in pages 21-25 of Garza's attachment to the form application under Texas Code of Criminal Procedure article 11.07. *Ex parte Garza*, No. WR-63,980-01, at 33-37 (Tex. Crim. App. March 1, 2006).

the magistrate judge are ADOPTED.

Petitioner Raul Villegas Garza's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DENIED.

SIGNED June 14, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE